

i. Preamble

This paper represents the final draft of the white paper prepared by the South Florida Water Management District, originally dated June 25, 2002 and revised December 16, 2002. The paper has been substantially revised based on public and agency input pertaining to key policy, technical and process issues associated with the implementation of the Comprehensive Everglades Restoration Plan (CERP). This final draft is also the result of continuing debate and discussion among Federal and State partners including the Department of the Interior (i.e., U. S. Fish and Wildlife Service and Everglades National Park), the U.S. Army Corps of Engineers, Florida Fish and Wildlife Conservation Commission, the Florida Department of Environmental Protection and the South Florida Water Management District.

Major modifications to this draft include organizational changes and a proposal to use separate tools for determining the Federal WRDA 2000 requirements of “existing legal source” protection versus the State of Florida Section 373.1501 F.S. requirements of “existing legal user” protection. Additionally, this revision proposes to use an independent analysis for the determination of regional water availability and initial reservations versus tying these analyses to the existing legal source determination.

The focus of this paper is to provide a proposed methodology for identifying and protecting existing legal sources and users, flood protection, and identifying and reserving water for natural systems under State and Federal law. Continuing outstanding issues will need to be resolved by affected stakeholders in order to realize the successful implementation of the CERP program. Building a consensus through a public process is important to this success and can be expected to continue to result in modifications to the proposed methodologies or assumptions contained herein. The ultimate goal should be that all interests are treated equitably, that the natural resources are restored and protected, and that existing and future water supply needs are provided for – all consistent with the assumptions and expectations of the CERP program and relevant State and Federal laws.

Five appendices are also attached which provide more detailed information, including: 1) preliminary definition of terms; 2) CERP assurance language from Section 601(h) of the Water Resources Development Act of 2000; 3) President-Governor Agreement, January 9, 2002; 4) proposed Pre-CERP Baseline assumptions; and 5) agency and public comments on the June 25, 2002 draft.

It should be noted that this paper is anticipated to be a policy and technical guidance document prepared by the South Florida Water Management District and has not obtained formal approval or acceptance from other Federal and State agencies. The concepts presented in this paper are expected to be further defined by the U.S. Army Corps of Engineers and South Florida Water Management District CERP Guidance Memorandum.